



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.(MD) No.19048 of 2017

and

W.M.P.(MD)No.15397 and 15398 of 2017

Zion Good Shepherd's Matric Hr. Sec. School,
Rep. by its Correspondent,
S.Damayanthi David,
Zion Nagar, APK Main Road,
Madurai- 625 012.

... Petitioner

-Vs-

1. The Assistant Provident Fund Commissioner,
Employees' Provident Fund Organization,
Regional Office, No.1, Lady Doak College Road,
Chokkikulam, Madurai-625 002.

2. The Recovery Officer,
Employees' Provident Fund Organization,
Regional Office, No.1, Lady Doak College Road,
Chokkikulam, Madurai-625 002.

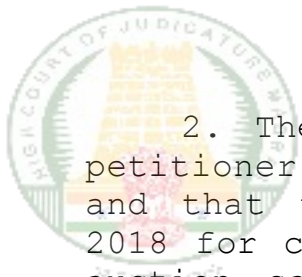
... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the second respondent in reference No.MD/MDU/RO/RECY/29435/2017, dated 15.09.2017 for selling the school furniture and computers and to first respondent consider the representation of petitioner dated 04.10.2017.

For Petitioner : Mr.M.N.Ramkumar
For R1 : Mr.N.Sivakumar

O R D E R

This Writ Petition has been filed challenging the order dated 15.10.2017 passed by the second respondent / recovery officer, Employees Provident Fund Organization, by which a proclamation of sale has been made for attaching the property of the petitioner school for payment of Provident Fund dues.



2. The learned counsel for the petitioner submits that the petitioner had so far paid an aggregate amount of Rs.1,59,000/- and that the petitioner school requires time till first April, 2018 for clearing the entire dues and seeks to avert the impugned auction sale of their property till then. In this regard, an additional affidavit has been filed today setting out the installments by which the remaining dues towards Employees' Provident Fund would be paid, which is extracted below:

S.No	Date	Amount dues to be remitted
1	01.11.17	Rs.50,000/-
2	01.12.17	Rs.50,000/-
3	01.01.18	Rs.50,000/-
4	01.02.18	Rs.50,000/-
5	01.03.18	Rs.50,000/-
6	01.04.18	Rs.2,07,813/-

3. It is further represented by the learned counsel for the petitioner states that if there is further amount payable, the same shall also be paid by the petitioner on or before 01.04.2018.

4. Hence, this Court is of the considered view that the aforesaid request made by the petitioner to make payment of the provident dues is reasonable and at the same time it would be a practicable solution to ensure the recovery without causing hardship to the parties. Recording the afore said undertaking made by the petitioner, the impugned notice for auction sale, which has been proposed to be held on 20.10.2017 is set aside. It is made clear that if the petitioner defaults in making payment of any of the aforesaid installments, the entire amount outstanding as on that date shall become recoverable at once and the respondent shall be at liberty to proceed further in accordance with law, without further reference to this Court.

5. Accordingly, this Writ Petition is disposed of on the aforesaid terms. No Costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar



To

1. The Assistant Provident Fund Commissioner,
Employees' Provident Fund Organization,
Regional Office, No.1, Lady Doak College Road,
Chokkikulam, Madurai-625 002.

2. The Recovery Officer,
Employees' Provident Fund Organization,
Regional Office, No.1, Lady Doak College Road,
Chokkikulam, Madurai-625 002.

+1cc to Mr.N.Sivakumar, Advocate Sr.No.82870

TA

VB/MR/KKR/SAR4/09/11/2017/3P/4C

W.P. (MD) No.19048 of 2017

13.10.2017